

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHARLES LEE TEXTER,</b>	:	<b>CIVIL ACTION NO. 1:04-CV-0173</b>
	:	
<b>Plaintiff</b>	:	<b>(CONSOLIDATED)</b>
	:	
<b>v.</b>	:	<b>(Judge Conner)</b>
	:	
<b>TODD MERLINA, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 29th day of February, 2008, upon consideration of the trial exhibits submitted by plaintiff,<sup>1</sup> and it appearing that plaintiff has identified a letter from Dr. James H. Hill as an exhibit (Ex. H),<sup>2</sup> and the court finding that the letter is hearsay, see FED. R. EVID. 801-802, and that no exception to the rule excluding hearsay applies to this letter, see id. 803-804, 807, it is hereby ORDERED that plaintiff is precluded from offering the letter from Dr. James H. Hill (Ex. H) at trial.<sup>3</sup>

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> The order of court dated February 11, 2008 (Doc. 146) directed plaintiff to submit his trial exhibits by February 28, 2008.

<sup>2</sup> The letter from Dr. Hill reads:

I have been treating Charles L. Texter since 1999 for Posttraumatic Stress Disorder. Mr. Texter is a 100% disabled veteran who lost a leg in combat during his service in Vietnam. In my experience with him, I have found him to be a very idealistic, law-abiding gentleman.

We at the VA Medical Center would appreciate any consideration you can extend to this unfortunate man.

(Ex. H.)

<sup>3</sup> This ruling should not be construed as any indication of the court's view on the admissibility of the other trial exhibits submitted by plaintiff.